

While interstate motorists could be of interest to commercial entities that purchase national advertising on local broadcast stations, those motorists are not targeted by nor are they reached in any meaningful way by the national advertising aired on local stations.

Were the Commission to permit advertising to be sold by satellite DARS service providers, such advertising would not be substitutable for that broadcast over local radio stations. National advertisers will continue to require local stations to reach consumers in every local community.

For national advertisers to reach effectively those consumers traveling on the nation's highways, a medium other than local radio stations is required. DARS-based advertising could provide this separate and needed route to market for national advertisers. Viewed in this context, this type of advertising would not constitute a potential diversion of revenue now flowing to the incumbent broadcast industry.

Advertising on satellite DARS services tailored to motorists should properly be regarded as complementary to, not competitive with, local radio advertising. The listening public in local markets would continue to receive the programming and advertising services of local radio stations. Thus, there would be no serious threat of loss of important services to consumers. Instead, a gain of

important services to a currently underserved sector of consumers can be achieved. 28/

C. DARS Travelers' Service Would Fulfill An Important Public Need

Even though unmeasured and unaddressed by the incumbent broadcast industry, the long-distance motoring public is a large and important sector of the nation's economy. As measured in vehicle miles, interstate automobile travel in 1993 amounted to 373.6 billion miles or 22.8% of the total passenger vehicle miles traveled in the US. Interstate truck travel for the same year totaled 147.3 billion miles or 22.9% of the total truck miles traveled. 29/

The number of person trips 30/ taken by US citizens in 1993 was 1,057,500,000, of which approximately 805,000,000 (76.123%) were taken in automobiles, trucks or recreational vehicles. 31/ Of those trips, 70% were taken for

28/ Technology now available, such as "smart cards," will allow the proposed traveler-oriented services to be offered on a pay-per-trip basis. This further diminishes any possible economic impact on local radio, since a consumer would normally subscribe only during a long-distance trip.

29/ Federal Highway Administration, Highway Statistics, V-115 (1993).

30/ "Person trip" is defined to mean one person taking a trip of 50 miles or greater distance from point of origination.

31/ United States Travel Data Center, 1993 Travel Market Survey.

leisure purposes, 17% were for business purposes, and 7% were a combination of both; the remaining 6% were for miscellaneous reasons. 32/

For calendar year 1995, the projected expenditures by business travelers who drive will be approximately \$53.8 billion. 33/ If the same multipliers are applied to leisure travel by automobile as those applied to business travel, the approximate expenditure by leisure travelers using the nation's highways will be \$221.7 billion. Motorists combining business and leisure will contribute another \$22.2 billion with other groups of motorists accounting for an additional \$19.0 billion. Thus, long distance travelers on the nation's highways will generate approximately \$316.7 billion in economic activity during 1995.

As noted by the Commission in the NPRM, satellite DARS services can bring expanded entertainment and information options to individuals living in or traveling through geographic areas of the country that receive few or no terrestrial radio broadcasts. 34/ In licensing a DARS service tailored to the needs of long distance motorists, the Commission will enable services to be provided that will arguably have greater value for travelers in underserved rural areas than for other segments of the country's listening public.

32/ White House Conference on Tourism, as reported in the Travel Industry World Yearbook -- The Big Picture, 1994-95 (Child & Waters, Inc., 1994).

33/ \$416 billion (total travel industry economic activity) x .76123 (automobile travel percentage) x .17 (business automobile travel percentage) = \$53.8 billion. Source: Travel Industry Association.

34/ NPRM ¶ 2.

VI. CONCLUSION

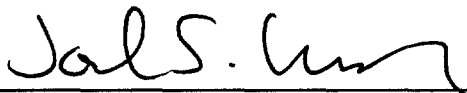
In order to ensure that the public will receive the full benefits of satellite-delivered digital audio radio, the Commission should create the DARS service; reopen the previous application filing window; mandate the use of a standard CDMA technology for satellite transmission and receivers; and authorize the maximum number of licensees permitted by this technology.

Respectfully submitted,

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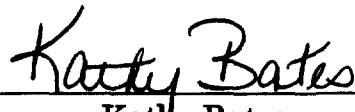
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Dated: September 15, 1995

CERTIFICATE OF SERVICE

I, Kathy Bates, a legal secretary with the law firm of Hogan & Hartson L.L.P., hereby certify that on this 15th day of September, 1995, a copy of the foregoing Comments of Cracker Barrel Old Country Store, Inc. was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached service list.



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